

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 202001961	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/25/2020 2:23 PM	Location of Incident: Front of 276 Canal Street	Precinct: 05	18 Mo. SOL 8/25/2021	EO SOL 4/11/2022	
Date/Time CV Reported Tue, 02/25/2020 4:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/09/2020 9:13 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kit Yung	05493	942737	005 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Chiho Chan	09204	965975	005 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kit Yung	Abuse: Sergeant Kit Yung threatened to arrest § 87(2)(b)	

Case Summary

On February 25th, 2020, § 87(2)(b) called 911 and was transferred to IAB, where he filed the following complaint. The CCRB received this complaint on March 9th, 2020.

On February 25th, 2020, § 87(2)(b) was with a group of students on a school trip in lower Manhattan, having travelled from Savannah, Georgia, where § 87(2)(b) and the students were visiting shops on Canal Street in Manhattan. § 87(2)(b) was accompanied by fellow chaperones § 87(2)(b) and § 87(2)(b) and the other chaperones had just exited QQ Gift shop, located 276 Canal Street, when he was approached by a marked patrol vehicle containing Sergeant Kit Yung and Police Officer Chiho Chan, both of the 5th Precinct. Sgt. Yung and allegedly told § 87(2)(b) that, § 87(2)(b) needs to be moving on” and if he did not, “there was going to be something” (**Allegation A: Abuse of Authority**, § 87(2)(g))

No arrests or summonses resulted from this incident.

The nature of the incident did not require the use of BWC as per the Patrol Guide.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Kit Yung threatened to arrest § 87(2)(b)

According to § 87(2)(b)'s testimony, (BR 01) he was chaperoning a high school field trip and had permitted the approximately 40 students to explore in the vicinity of Canal Street and Broadway in Manhattan. § 87(2)(b) had gone into a trinkets store, the QQ Gift Shop at 276 Canal Street, with his fellow chaperones, § 87(2)(b) and § 87(2)(b) and § 87(2)(b) made purchases, while § 87(2)(b) waited inside the store for them. After approximately 15 minutes, § 87(2)(b) exited the store with § 87(2)(b) and § 87(2)(b). At this time, § 87(2)(b) noticed a marked NYPD SUV, vehicle number 4320, drive by with its turrets lights on and an officer speaking indiscernibly over the loudspeaker. The vehicle then stopped in front of the trinket store, at which point § 87(2)(b) stood on the curb near the corner. Sgt. Yung, whose name § 87(2)(b) obtained from seeing it on his uniform, exited the patrol vehicle, approached § 87(2)(b) and allegedly told him he needed to be “moving on” and if he did not, “there was going to be something.” § 87(2)(b) interpreted this comment as a threat of arrest. § 87(2)(b) asked for a supervisor and Sgt. Yung told § 87(2)(b) that he was the supervisor. At this point, § 87(2)(b) took out his phone and called 911. Sgt. Yung got back inside the NYPD SUV and left the incident location. § 87(2)(b) remained on the phone with 911 for five or ten more minutes, but did not interact with any other officers at the incident location.

In phone statements from § 87(2)(b) (BR 02), § 87(2)(b) (BR 03) and § 87(2)(b) (BR 04) all three stated they were within a few feet of § 87(2)(b) at the time his interaction with Sgt. Yung. § 87(2)(b) and § 87(2)(b) each described Sgt. Yung's demeanor and tone as “forceful” and “threatening,” but they did not specifically hear Sgt. Yung verbally threaten § 87(2)(b) and § 87(2)(b) both observed the patrol car first make an announcement over the loudspeaker before stopping in front of § 87(2)(b) where Sgt. Yung exited and began speaking. § 87(2)(b) heard Sgt. Yung state, in sum and substance, “You shouldn't be here.” § 87(2)(b) observed Sgt. Yung telling § 87(2)(b) “Don't do that. You know what you're doing.” In § 87(2)(b) phone statement (BR 05) she stated that she was across the street when the interaction between § 87(2)(b) and Sgt. Yung began. As she crossed the street to get closer, she overheard Sgt. Yung tell § 87(2)(b) “What you're doing is wrong,” but did not hear Sgt. Yung verbally threaten § 87(2)(b).

Roll call from the 5th Precinct on February 25th, 2020 (BR 06) confirmed that Sgt. Yung and PO Chan were assigned to vehicle number 4320, as provided by § 87(2)(b) and were on duty together at the time of the incident. The corresponding Event (BR 07) confirms that § 87(2)(b) placed a 911 call and requested a supervisor to his location after being threatened by

Sgt. Yung. The same event shows that Sgt. Yung alleged a male was soliciting “illegal things” at that location, though Sgt. Yung has no independent recollection of the incident.

Sgt. Yung testified (BR 08) that on February 25th, 2020, he was assigned to be a patrol supervisor in the confines of the 5th Precinct, but otherwise had no recollection of this incident. Sgt. Yung did not remember speaking with any civilians over the loudspeaker of the vehicle, nor did he remember interacting with § 87(2)(b). Sgt. Yung vaguely remembered some peddlers in the area and stated that the address of the incident, on Canal Street, as well as the 5th Precinct more generally, has a peddler condition. When the condition becomes problematic, Sgt. Yung has previously asked peddlers to, “move along.” Sgt. Yung does not typically tell those buying from peddlers to, “move along,” but has previously intervened because of a dispute between vendor and buyer. Sgt. Yung did not remember any dispute between a buyer and a vendor on the date of the incident. Sgt. Yung testified that it is not illegal or criminal to buy counterfeit goods or buy goods from peddlers, only to sell counterfeit goods or sell on the street without a license. Sgt. Yung did not remember specifically speaking with anyone he believed to be a peddler on the date of the incident. Sgt. Yung did not remember stating that § 87(2)(b) needed to be “moving on,” or “there was going to be something,” or otherwise threatening § 87(2)(b) with arrest. Sgt. Yung was shown his response to the 911 call in the Event Information, in which he was documented as stating that a male was “soliciting illegal goods at the location.” The Event Information did not refresh Sgt. Yung’s recollection of the incident.

PO Chan testified (BR 09) that he was on duty and partners with Sgt. Yung on the date of the incident, but also did not have any recollection of this incident. PO Chan did not remember hearing Sgt. Yung state that § 87(2)(b) needed to be “moving on,” or “there was going to be something,” or witnessing Sgt. Yung threaten § 87(2)(b) with arrest.

Although Sgt. Yung and PO Chan had no recollection of interacting with § 87(2)(b) both he and PO Chan testified that they were on duty in the general vicinity of the incident and were assigned to the vehicle number § 87(2)(b) provided. Furthermore, Sgt. Yung acknowledged that the area of 276 Canal Street was known for peddler conditions, and that he previously instructed peddlers to “move along.” § 87(2)(b), § 87(2)(g)

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Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 10).
- Sgt. Yung has been a member of service for 14 years and has been named a subject in six CCRB complaints and nine allegations, none of which were substantiated. § 87(2)(g)

§ 87(2)(b)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On October 2nd, 2020, a Notice of Claim inquiry was sent to the New York City Office of the Comptroller and yielded negative results (BR 11).
- § 87(2)(b)

§ 87(2)(b)

Squad No.: 14

Investigator: C.V.
Signature

Inv. Carlo Vescovi
Print Title & Name

05/14/2021
Date

CCRB Case # 202001961

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 05/14/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date